

## REMARKS

The following discussion addresses the issues in the order in which they have been raised in the Office Action.

### **I. Specification**

The Abstract was objected to for having the expression "other embodiments are also described and claimed", referring to MPEP §608.01(b). However, upon further review of that section of the MPEP, it is unclear why the expression is objectionable. As required under the MPEP, the Abstract should be a brief technical disclosure commencing on a separate sheet with the appropriate heading and should not exceed 150 words. The allegedly offensive expression does not detract from any of these goals. However, in the interest of moving prosecution forward, the Examiner's requested correction has been made.

### **II. Claims Rejected Under 35 U.S.C. §102**

Claims 1-16 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,885,209 issued to Mak, et al. ("Mak"). Regarding claim 1, this claim has been amended to recite at least one limitation that is not taught or suggested by Mak.

Mak discloses an integrated circuit testing mode in which a transmitter 140 is tested by adjusting the threshold of a receiver 180 and the phase of the recovered clock from a loopback signal received by the receiver from the transmitter. The recovered clock is then used to strobe the data along the time domain and voltage level domain to determine the size of the data eye of the loopback signal. [Mak, col. 4, lines 12-18] Fig. 7 of Mak shows an example embodiment of the receiver. To adjust the phase of the regenerated clock, the receiver has a phase adjuster 182 that is connected to a phase detector, to adjust the phase detector. [Mak, col. 8, lines 20-37] By adjusting the phase of the phase detector, the width of the data eye of the transmitted data stream received from the transmitter may be determined. [Mak, col. 8, lines 38-42] These sections of Mak, however, do not teach or suggest Applicants' *method for testing a data recovery circuit, comprising disturbing ... a data recovery circuit (DRC) as the DRC is processing a received test signal ... and measuring the length of time it takes the DRC to recover from the*

*disturbance*. Support for the amended language in Applicants' claim 1 can be found in the Specification as filed, for instance, in paragraph [0016]. Accordingly, no new matter has been added in this amendment.

As Mak does not teach or suggest the limitations that have been added here to claim 1, reconsideration and withdrawal of the rejection of claim 1 is respectfully requested.

Turning now to independent claim 8, this claim stands rejected as being anticipated by Mak for the same reasons as claim 1. Claim 8 has been amended to recite a limitation that is not taught or suggested by the above-cited sections in Mak, namely *a method for testing a receiver, comprising disturbing a recovered clock phase of the receiver ... and determining a reaction of the receiver to the disturbance, by monitoring a sampling phase register of the receiver as the receiver is processing the received test signal*. Support for the amended language in claim 8 can be found in the Specification as filed, for example, at paragraph [0014]. Claim 8 has also been permissibly broadened by not requiring an *oversampling* receiver. Accordingly, no new matter has been added.

As the above cited sections of Mak do not teach or suggest at least the newly added limitations of claim 8, reconsideration and withdrawal of the rejection of claim 8 is respectfully requested.

Turning now to claim 11, this claim has first been broadened permissibly, by not requiring the particular format of injected jitter. In addition, the claim has been amended to recite a limitation that is not taught or suggested by the above-cited sections of Mak. The above cited sections of Mak do not teach or suggest Applicants' claim 11 in which *a method for testing a receiver comprises injecting jitter into a running phase of a closed control loop in a data link receiver ... and determining a loop response of the closed control loop to said injected jitter*. The latter limitation has been incorporated from dependent claim 15, now canceled. Accordingly reconsideration and withdrawal of the rejection of claim 11 is respectfully requested.

It should be noted that claim 13 has been amended to now depend from claim 11 and to recite the limitations concerning the specific injected jitter format that previously appeared in claim 11.

### III. Claims Rejected Under 35 U.S.C. §103

Claims 17-19 are rejected under 35 U.S.C. §103(a) as being obvious over Mak in view of U.S. Patent No. 6,522,122 issued to Watanabe, et al. Applicants respectfully request reconsideration and withdrawal of the rejection because Mak is not a proper reference under 35 U.S.C. §103(c)(1). Mak could qualify as prior art only under 35 U.S.C. §102(e). In addition, at the time of Applicants' filing date, namely March 30, 2004, the claimed invention was owned by the same entity that owns Mak, namely Intel Corporation. See the recorded Assignment for the present Application at reel/frame 015171/0434, reflecting an Assignment dated March 30, 2004; and for Mak, see reel/frame 015875/0391, reflecting an Assignment to Intel Corporation, recorded October 12, 2004. Accordingly, it is respectfully requested that Mak be removed as a prior art reference under 35 U.S.C. §103 and the rejection withdrawn.

Any dependent claims not mentioned above are submitted as not being anticipated or obvious, for at least the same reasons given above in support of their base claims.

It should be noted that not all of the assertions made in the Office Action, particularly those with respect to the dependent claims, have been addressed here, in the interest of conciseness. Applicants reserve the right to challenge any of the assertions made in the Office Action by the Examiner, with respect to the relied upon art references and how they would relate to Applicants' claim language.

### CONCLUSION

In sum, a good faith attempt has been made to respond to the issues raised in the Office Action and to explain why the claims are believed to be in condition for allowance. A Notice of Allowance referring to claims 1-14 and 16-19, as amended here, is therefore respectfully requested to issue at the earliest possible date.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No.


02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

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Dated: August 11, 2006

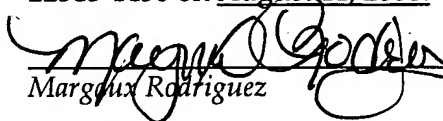
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450 on August 11, 2006.

  
Margaux Rodriguez August 11, 2006